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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,941	01/30/2004	Dietmar Janz	P24819	4403
7055	7590	04/06/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C.			LAMB, BRENDA A	
1950 ROLAND CLARKE PLACE			ART UNIT	
RESTON, VA 20191			PAPER NUMBER	
			1734	
DATE MAILED: 04/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10766, 941

Applicant(s)

Janz et al

Examiner

LAMB

Group Art Unit

1734

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 1/30/2004
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-30 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-13 and 16-30 is/are rejected.
- ☒ Claim(s) 14-15 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 1/30/2004
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-2, 4-12, 16, 17, 20-25 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 89/04727.

WO '727 teaches a method and system for applying glue or adhesive material to a moving work or web, the system comprising: a glue nozzle coupled to glue reservoir; the glue nozzle comprising an outlet opening arranged to apply glue to the moving web while the moving web moves along a direction, and a device that delivers a substance

to a region of the outlet opening. WO 727 teaches applying the glue onto the moving work or web while the moving web moves along a direction and shows in Figures 14 and 22 feeding the solvent to a device arranged both upstream and downstream from the outlet opening and thereby reads on claim limitation that the device delivers the substance behind the outlet opening relative to the direction. Thus WO '727 teaches every structural element of the system set forth in claim 1 and every method step set forth in claim 16. With respect to claim 2, WO '727 apparatus is capable of applying glue or adhesive material onto a web which is one of a cigarette paper web in strip form and folding box blanks since it teaches every claimed structural element of the claimed apparatus. With respect to claim 4, WO '727 system is capable of delivering a substance adapted to liquefy the glue, a low-viscosity fluid, water, and water vapor. With respect to claim 5, WO '727 teaches the device delivers the substance directly behind the outlet opening the relative to the direction as shown in Figures 14 and 22. With respect to claim 17, WO '727 process delivers a substance adapted to liquefy the glue, a low-viscosity fluid or solvent. With respect to claim 7, WO '727 device as shown in Figures 14 and 22 is comprised of one of a tube or hollow member. With respect to claim 8, WO '727 shows in Figures 14 and 22 the glue nozzle and the device are separate devices. With respect to claim 9, WO '727 shows in Figures 14 and 22 the device is arranged at a distance "d" from the glue nozzle. With respect to claims 10-11, WO '727 shows in his Figures that a device abuts the glue nozzle and an integrally formed member. With respect to claims 6, 12, 20-25 and 29, WO '727 teaches a system for regulating the feeding of the substance to the device and controls feeding in the

manner set forth in claims 6 and 20-25 dependent on whether or not is applying a pattern to the substrate and the type of pattern applied to the substrate.

Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 89/04727.

WO '727 is applied for the reasons noted above. WO '727 fails to teach liquefying the glue after applying the glue to the web. However, it would have been obvious the WO '727 process is liquefied after applying the glue to the web due the proximity of the solvent applying means to the substrate as shown in the WO '727 Figures.

Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 89/04727 in view of Fietkau.

WO '727 is applied for the reasons noted above. Although WO '727 fails to teach his apparatus is arranged on a cigarette making machine it would have been obvious to do so since glue applicator are known to be arranged on cigarette making machine as shown Fietkau.

Claims 1-2, 4-5, 7, 12, 16-17 and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Yapel et al.

Yapel et al teaches a method and system for applying glue or adhesive material to a moving work or web, the system comprising: a glue nozzle coupled to glue reservoir; the glue nozzle comprising an outlet opening arranged to apply glue to the moving web while the moving web moves along a direction, and a device that delivers a substance to a region of the outlet opening. Yapel et al teaches applying the glue onto

the moving work or web while the moving web moves along a direction and shows in Figure 1-2 feeding the solvent using a device arranged both upstream and downstream from the outlet opening and thereby reads on claim limitation that the device delivers the substance behind the outlet opening relative to the direction. Yapel et al teaches a system for feeding the substance to the device that delivers a substance to a region of the outlet opening. Thus teaches every structural element of the system set forth in apparatus claims 1 and 29 and every method step set forth in method set forth in claim 16. With respect to claim 2, Yapel et al apparatus is capable of applying glue or adhesive material onto a web which is one of a cigarette paper web in strip form and folding box blanks since it teaches every claimed structural element of the claimed apparatus. With respect to claim 4, Yapel et al device is capable of delivering a substance adapted to liquefy the glue, a low-viscosity fluid, water, and water vapor. With respect to claim 5, Yapel et al shows his device delivers the substance directly behind the outlet opening relative to the direction of the substrate. With respect to claim 7, Yapel et al device as shown in Figures 1-2 includes one of a tube or hollow member. With respect to claim 8, Yapel et al shows in Figures 1-2 the glue nozzle and the device are separate devices. With respect to claims 12, Yapel et al teaches a system for feeding the substance to the device which regulates the amount of the substance amount of the substance fed to the area of the moving web (see Figure 1 and column 3 line 61-column 6 line 35). With respect to claims 17, Yapel et al teaches the substance applied is one to liquefy the coating or glue, a solvent-containing gas. With respect to

claim 28, Yapel et al teaches conveying the substrate past the coating apparatus which includes device for feeding the substance behind the outlet.

Claims 13, 18-27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yapel et al.

Yapel et al is applied for the reasons noted above. Yapel et al fails to teach the system and process regulates an amount of the substance which is applied to the moving web. However, it would have been obvious the system in the Yapel et al apparatus which regulates the amount of the solvent gas flowed to the enclosure surrounding the coater die also would control the amount of solvent in contact with and therefore applied to the web due to its direct contact with the web or substrate. Further, it would have been obvious in the Yapel et al the solvent gas in contact with the web having glue thereon would also liquefy the glue on the web since Yapel et al teaches the solvent gas liquefies the glue or coating on the parts of the coating die in contact with the coating. Thus claims 13, 18-19, 26 and 30. With respect to claim 20-25 and 27, it would have been obvious to operate the Yapel et al process and system in the manner set forth in the claims obviously dependent on the whether one is continuously coating the web or intermittently coating the substrate and obviously dependent in the type of pattern one is desires to apply to the substrate. Yapel et al teaches controlling/regulating the amount of substance applied to the coater die enclosure and web arranged directly via measuring unit, a flow meter.

Claims 1, 2, 4-5, 7, 8 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Hess.

Hess teaches a system for applying material to a moving work or web, the system comprising: a nozzle coupled to reservoir; the nozzle comprising an outlet opening arranged to apply coating to the moving web while the moving web moves along a direction, and a device that delivers a substance to a region of the outlet opening. Hess teaches applying the coating onto the moving work or web while the moving web moves along a direction and shows in Figure 1 feeding the solvent using a device both upstream and downstream from the outlet opening and thereby reads on claim limitation that the device delivers the substance behind the outlet opening relative to the direction. Hess teaches a system for feeding the substance to the device that delivers a substance to a region of the outlet opening. Hess is capable of applying glue onto the web. Thus Hess teaches every structural element of the system set forth in apparatus claims 1, 5 and 29. With respect to claim 2, HESS apparatus is capable of applying coating a web which is one of a cigarette paper web in strip form and folding box blanks since it teaches every claimed structural element of the claimed apparatus. With respect to claim 4, Hess device is capable of delivering a substance adapted to liquefy the coating, a low-viscosity fluid, water, and water vapor. With respect to claim 7, Hess device as shown in Figure 1 is comprised of one of a tube or hollow member. With respect to claim 8, Hess shows in Figure 1 the nozzle and the device are separate devices. With respect to claims 12, Hess teaches a system for feeding the substance to the device.




Claims 14-15 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Lamb whose telephone number is (571) 272-1231. The examiner can normally be reached on Monday and Wednesday thru Friday with alternate Tuesdays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BRENDA A. LAMB  
PRIMARY EXAMINER

Lamb/LR  
March 10, 2005